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09/441,057	11/16/1999	OLIVIER HERSENT	10597-0001-2	3808

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ALEXANDRIA, VA 22314

EXAMINER
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CHOW, MING

ART UNIT	PAPER NUMBER
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2645

17

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/441,057

Applicant(s)

HERSENT, OLIVIER

Examiner

Ming Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 1 recites the limitation "the user station" on line 16. There is insufficient antecedent basis for this limitation in the claim. Claim 1 recites, on line 6, "a plurality of user stations" (plural). It is unclear the claimed "the user station" refers to which specific user station among the "a plurality of user stations".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3, 5-7, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hiroshima et al (US: 5727048).

For claim 1, regarding "a network", Hiroshima et al teach on Fig. 5 a network.

Regarding "at least.....the network", Hiroshima et al teach on items 37 and 38 Fig. 5 a plurality of service suppliers. Hiroshima et al also teach on column 4 line 40-42 and item 6 Fig. 5 (same as item 2 Fig. 2) host computer (claimed "customer server").

Regarding "a shared.....to receive therefrom.....to initially.....to then.....has been received", Hiroshima et al teach on item 39 Fig. 5 multimedia communication center (claimed "shared resources host server"). Hiroshima et al teach on Fig. 5 connection interfaces between items 33-39 (claimed "man-machine interface resources"). Hiroshima et al teach on column 6 line 22-25 the shared resources host server receives a request for a new merchandise information service from the multimedia terminal (reads on the claimed "users"). Hiroshima et al also teach on column 6 line 26-37 the shared resources host server returns the telephone number of the information provider capable of providing the new merchandise information service (reads on claimed "determine the service supplier"). The terminal 1 Fig. 5 dials the telephone number provided by the shared resources server (reads on claimed "direct each received service request to.....concerned service supplier") for new service information (claimed "a respective service logic"). Hiroshima et al teach on column 2 line 33-37 an information provider having a multimedia server can provide information in response to specific orders (reads on claimed

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“executed at said service supplier to exchange information”). Hiroshima et al teach on Fig. 5 the information provided by the information provider are transmitted via the connection interfaces (claimed “man-machine interface”).

Regarding claim 3, Hiroshima et al teach on column 5 line 59-65 multimedia resources (photograph, text, voice, and images) may be presented on either a FAX machine, a video display terminal or a telephone set. Therefore, it is inherent that there must be a transcoding subsystem.

Regarding claim 5, Hiroshima et al teach on item 13 Fig. 3 voice (audio) information server. The voice (audio) resources must be recorded and reproduced (played to the user terminal).

Regarding claim 6, Hiroshima et al teach column 6 line 22-37 the shared resources server (item 39 Fig. 5) sends two phone numbers and an information request number (reads on claimed “events signaled by the shared resources server”) to the terminal.

Regarding claim 7, Hiroshima et al teach on column 4 line 34 the multimedia server (service supplier) runs on a host computer. Hiroshima et al also teach on item 39 Fig. 7 a network interface connecting telephone exchange (reads on “a company private network”) and another interface connecting the shared resources (item 2 Fig. 7).

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Regarding claim 10, Hiroshima et al teach on item 13 Fig. 3 voice resources.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al as applied to claim 1 above, and in view of Low et al (US: 6243443).

Hiroshima et al failed to teach “a protocol stack.....date streams”. However, Low et al teach a method of making available content resources (reads on claimed “shared resources”) to telephone network users. Low et al teach on Abstract – the content resources are held on internet. For data communication on Internet there must be a protocol stack subsystem. Low et al teach on column 7 line 42 to column 8 line 12 a call is established between the telephone network and a data network (claimed “receives calls from a data network at an exchange; detects incoming calls and captures called party number”). A number dialed from (column 7 line 59; claimed “caller number”) is also captured. DTMF signals are detected (column 8 line 9; reads on claimed “detects dial tone”). Low et al also teach on column 10 line 24-37 content resources are

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converted between different formats (reads on claimed “generates coding-decoding media data streams; and receives media coding-decoding data streams”).

Regarding “a command interpreter.....customer servers”, Hiroshima et al teach on column 5 line 11-33 and item 18 Fig. 4 a user calls the communication center to login (reads on claimed “generates login messages on detection of new calls to each customer server”).

Hiroshima et al teach on item 22 Fig. 4 an event message is generated in response to the user’s request (reads on claimed “uses the commands from the customer servers”) for transmitting text information from merchandise information unit to the multimedia terminal.

It would have been obvious to one skilled at the time the invention was made to modify Hiroshima et al to have the “a protocol stack.....data streams” as taught by Low et al such that the modified system of Hiroshima et al would be able to support the command interpreter to the system users.

4. Claims 4, 11, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al as applied to claim 3 above, and in view of Low et al, Sassin (US: 6449260). Hiroshima et al and Low et al failed to teach a voice synthesis and/or video resources subsystem. However, Sassin et al teach on column 3 line 18-20 a video server is compatible to receive multimedia telephone calls. It would have been obvious to one skilled at the time the invention was made to modify Hiroshima et al, Low et al to have the “a voice synthesis and/or video resources subsystem” as taught by Sassin et al such that the modified system of Hiroshima et al, Low et al would be able to support the video resources subsystem to the system users.

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5. Claims 8, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al as applied to claim 1 above, and in view of Smith et al (US: 6404876). Hiroshima et al failed to teach “the shared.....user’s station”. However, Smith et al teach on Abstract – using voice recognition for voice dialing. It would have been obvious to one skilled at the time the invention was made to modify Hiroshima et al to have the “the shared.....user’s station” as taught by Smith et al such that the modified system of Hiroshima et al would be able to support the voice recognition to the system users.

6. Regarding claim 12, the rejections as stated in claim 1 and 2 apply.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshima et al as applied to claim 12 above, and in view of Low et al, Shank et al (US: 6445776). Hiroshima et al and Low et al failed to teach “the man-machine.....synthesis resources”. However, Shank et al teach on item 220 Fig. 2 a media service (claimed “resources server”) includes voice recognition and voice synthesis resources (text-to-speech). It would have been obvious to one skilled at the time the invention was made to modify Hiroshima et al and Low et al to have the “the man-machine.....synthesis resources” as taught by Shank et al such that the modified system of Hiroshima et al and Low et al would be able to support the voice recognition and voice synthesis to the system users.



*Response to Arguments*

8. Applicant's arguments filed on 9/22/03 have been fully considered but they are not persuasive.

- i) Applicant argues, on page 9, regarding new amendments “and executed at said service provider.....with the user”. Rejections to the amended limitations has been stated in claim 1 above.
- ii) Applicant argues, on page 9, regarding claims 1, 2, 12 and reciting Hiroshima et al in view of Low et al. Hiroshima et al teach an environment of a telephone network for data communication (see column 7 line 36-45). Low et al also teach an environment of telephone network with connectivity to Internet (data network). Low et al is a perfect teaching reference for teaching the data communication protocol as claimed in claim 2.
- iii) Applicant argues, on page 10, regarding “type of content resource” and “location of content resources”. However, both “type of content resource” and “location of content resources” are not claimed limitations
- iv) Applicant argues, on page 10, regarding reciting Low et al in rejections to claim 1 and 12. The claim 1 was rejected by referencing Hiroshima et al without referencing Low et al. Low et al was recited for rejections to limitations claimed in claim 2. Low et al was not recited for rejections to “responsive to service logic” as Applicant argued.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is

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(703) 306-0377. Any inquiry of a general nature or relating to the status of this application or proceeding should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to Central FAX Number 703-872-9306.**

Patent Examiner

Art Unit 2645

Ming Chow



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

